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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,322	01/09/2004	Mallinath Hatti	15296US01	7486
23446 7590 06/28/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER KOZIOL, STEPHEN R	
			ART UNIT 2609	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/754,322

Applicant(s)

HATTI ET AL.

Examiner

Stephen R. Koziol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-913)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 3, 8, and 14 are objected to under 37 CFR 1.75 as being substantial duplicates of claims 2, 7, and 13 respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al., US 5,777,601.

Regarding claim 1, Baker discloses a method for displaying a picture (Abstract, fig 1A), said method comprising:

- i. providing a first parameter (fig. 3, also, col. 13, ln. 64-67 cont' col. 14, ln. 1-18 “modulated chrominance components”) to a first register (fig. 3 item 136, also, col. 13, ln. 64-67 cont' col. 14, ln. 1-18 “video output memory”) indicating that the picture comprises a first number of lines (col. 13, ln. 64-67 cont' col. 14, ln. 1-18, where Baker’s “modulated chrominance components” contribute to the run-length encoded (RLE) image stream, indicating a first number of image lines); and
- ii. providing a second parameter (fig. 3, also, col. 13, ln. 64-67 cont' col. 14, ln. 1-18 “luminance components”) to a second register (fig. 3 item 128, also, col. 13, ln. 64-67 cont' col. 14, ln. 1-18 “display memory”), indicating that the picture comprises a second number of lines (col. 13, ln. 64-67 cont' col. 14, ln. 1-18, where Baker’s “luminance components” contribute to the run-length encoded (RLE) image stream, indicating a second number of image lines).

Regarding claim 2 Baker discloses a method for displaying a picture further comprising:

- i. receiving a horizontal synchronization pulse (fig 7, items 706-716, also, col. 19 ln. 65-67 cont' col. 20, ln. 1-5);
- ii. if the horizontal synchronization pulse is associated with a particular one of the first number of lines (col. 26, ln. 30-47 where the RLE data containing an image parameter indicating a first number of lines as established re claim 1 above, is provided from the FIFO to the RLE decoder for display), providing the particular one of the first number of lines for scaling (fig. 3, item 306, also, col. 12, ln. 14-38) or composing (fig 3, item 316, further, col. 12, ln. 64-67 cont' col. 13, ln. 1-21 "the media stream controller, fig. 1 item 114, then generates digital composite pixel data") or capturing (fig 3, item 320, further, col. 12, ln. 64-67 cont' col. 13, ln. 1-21); and
- iii. if the horizontal synchronization pulse is not associated with a particular one of the first number of lines (col. 26, ln. 30-47 where the last line of RLE data containing an image parameter indicating a first number of lines as established re claim 1 above, is repeated by the data register fig. 9 item 934) providing a last of the first number of lines for scaling or composing or capturing (see claim 2 ii for scaling, composing, and capturing discussion).

Regarding claim 3 Baker discloses method for displaying a picture further comprising:

- i. if the horizontal synchronization pulse is associated with a particular one of the first number of lines (col. 26, ln. 30-47 where the RLE data containing an image parameter

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indicating a first number of lines as established re claim 1 above, is fetched from the FIFO to the RLE decoder for display), fetching the particular one of the first number of lines for scaling or composing or capturing (see claim 2 ii for scaling, composing, and capturing discussion); and

- ii. if the horizontal synchronization pulse is not associated with a particular one of the first number of lines (col. 26, ln. 30-47 where the last line of RLE data containing an image parameter indicating a first number of lines as established re claim 1 above, is repeatedly fetched by the data register fig. 9 item 934), fetching a last of the first number of lines for scaling or composing or capturing (see claim 2 ii for scaling, composing, and capturing discussion).

Regarding claim 4 Baker discloses a decoder system for displaying a picture (Abstract, fig. 1A), said decoder comprising:

- i. a feeder for fetching lines of the picture (fig. 3 item 314, also, col. 12, ln. 48-56);
- ii. a scalar for scaling lines of the picture (fig. 3, item 306, also, col. 12, ln. 14-38);
- iii. a compositor composing multiple video/graphics layers (fig 3, item 316, further, col. 12, ln. 64-67 cont' col. 13, ln. 1-21 "the media stream controller, fig. 1 item 114, then generates digital composite pixel data");
- iv. a video capture capturing the picture into DRAM capturing (fig 3, item 320, further, col.8, ln. 15-27) and
- v. a controller for providing a first parameter to the feeder indicating that the picture comprises a first number of lines (fig. 1A item 136, also, col. 13, ln. 64-67 cont' col. 14,

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ln. 1-18) and providing a second parameter to the scalar or compositor or capture indicating that the picture comprises a second number of lines (fig. 3 item 128, also col. 13, ln. 64-67 cont' col. 14, ln. 1-18).

Regarding claim 5 Baker discloses a decoder system for displaying a picture wherein the feeder comprises a register (fig. 3 item 314-316, also, col. 12, ln. 48-56) for storing the first parameter and wherein the scalar or compositor or capture comprises a register for storing the second parameter (see claim 2 ii for scaling, composing, and capturing discussion, including registers for storing the second parameter).

Regarding claim 6 Baker discloses a decoder system for displaying a picture wherein the scalar or compositor or capture receives a horizontal synchronization pulse (fig 7, items 706-716, also, col. 19 ln. 65-67 cont' col. 20, ln. 1-5) and requests a line of the picture associated with the horizontal synchronization pulse (col. 13, ln. 64-67 cont' col. 14, ln. 1-18).

Claim 7 has been analyzed and is rejected with respect to claim 2 above because the limitations in claim 7 are identical to the limitations claim 2, despite those limitations manifesting in apparatus form.

Claim 8 has been analyzed and is rejected with respect to claim 3 above because the limitations in claim 8 are identical to the limitations claim 3, despite those limitations manifesting in apparatus form.

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Regarding claim 9 Baker discloses a circuit for displaying a picture, said circuit comprising:

- i. a feeder (fig. 3 item 314, also, col. 12, ln. 48-56);
- ii. a scalar connected to the feeder (fig. 3, item 306, also, col. 12, ln. 14-38);
- iii. a compositor connected to the feeder (fig 3, item 316, further, col. 12, ln. 64-67 cont' col. 13, ln. 1-21 "the media stream controller, fig. 1 item 114, then generates digital composite pixel data");
- iv. a video capture connected to the feeder (fig 3, item 320, further, col.8, ln. 15-27); and
- v. a controller (fig 1A item 114) connected to the feeder, the scalar, the compositor, the capture and the controller operable to program a feeder with a first parameter indicating that the picture comprises a first number of lines and program a scalar or compositor or capture with a second parameter indicating that the picture comprises a second number of lines (col. 13, ln. 64-67 cont' col. 14, ln. 1-18).

Regarding claim 10 Baker discloses a circuit for displaying a picture further comprising:

memory connected to the controller (fig 3, item 320, further, col.8, ln. 15-27), said memory storing a plurality of instructions, wherein execution of the plurality of instructions by the controller causes: programming the feeder with the first parameter indicating that the picture comprises a first number of lines; and programming the scalar or compositor or capture with the second parameter indicating that the picture comprises a second number of lines (fig. 3, also, col. 13, ln. 64-67 cont' col. 14, ln. 1-18, further, col. 26, ln. 30-47).

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Claim 11 has been analyzed and is rejected with respect to claim 5 above because the limitations in claim 11 are identical to the limitations claim 5.

Claim 12 has been analyzed and is rejected with respect to claim 6 above because the limitations in claim 12 are identical to the limitations claim 6.

Claim 13 has been analyzed and is rejected with respect to claim 2 above because the limitations in claim 13 are identical to the limitations claim 2, despite those limitations manifesting in apparatus form.

Claim 14 has been analyzed and is rejected with respect to claim 3 above because the limitations in claim 14 are identical to the limitations claim 3, despite those limitations manifesting in apparatus form.

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Examiner's Note

5. The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

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Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Koziol whose telephone number is (571) 270-1884. The examiner can normally be reached on M - alt. F 8:30-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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